

STATEMENT

OF THE

**ANTI-DEFAMATION LEAGUE**

ON

**HATE ON THE INTERNET**

BEFORE THE

SENATE COMMITTEE ON COMMERCE, SCIENCE AND  
TRANSPORTATION

May 20, 1999

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Mr. Chairman, Members of the Committee, I am Howard P. Berkowitz, the National Chairman of the Anti-Defamation League. I am accompanied by Christopher Wolf, a partner at the law firm of Proskauer Rose, a member of the League's National Commission, and Vice-Chair of the Washington D.C. Governing Board, and Jess Hordes, the League's Washington Director.

Thank you for the opportunity to participate in this important hearing today on the "dark side" of the Internet. As an 86-year-old organization dedicated to the eradication of bigotry in all its forms, the Anti-Defamation League has long been concerned about the propagation of racism, anti-Semitism and prejudice on the Internet. We commend Senator McCain and his colleagues on this Committee for calling public attention to this issue.

When most of us venture online, especially newcomers to the information superhighway, the last thing we expect to encounter is a swastika or a burning cross. Somehow, they seem like symbols of the past, and the Internet represents the future. So it is jarring, and profoundly upsetting, to see such graphic examples of how hate survives from generation to generation, and how it has somehow managed to migrate from leaflets on street corners to web sites

and interactive chat rooms.

The Internet generation, unfortunately, has been seriously infected by the virus of hate. Not only is this virus present on the 'Net, today it is being spread around the globe, in the wink of an eye – or, more accurately, with the click of a mouse.

This new medium allows extremists unprecedented access to a potential audience of millions. In numerous reports, the Anti-Defamation League has detailed the ways bigots are using the Internet to promote and recruit for their causes, to communicate easily, anonymously, and cheaply, to reach new audiences – particularly the young, to raise money for their activities, and to threaten and intimidate their enemies. As the tragic events in Littleton, Colorado recently showed, the Internet offers both propaganda and how-to manuals for those seeking to act out fantasies of intolerance and violence.

Since the first extremist hate site on the World Wide Web – Stormfront – was created in 1995, this phenomenon has exploded along with the growth of the Web itself. The creator of Stormfront, former Ku Klux Klan leader Don Black, continually adds to his site and now hosts many other similar web pages. David Duke, another former Klansman and former leader of the National Association for the Advancement of White People, promotes his supremacy theories under

the deceptive rubric of “white rights.”

Numerous groups and individuals have created and maintain Web sites promoting the ideals of Hitler’s Nazi Party. While some bigots revel in the Nazis’ murder of six million Jews, others deny that this genocide took place – and portray their anti-Semitism in a facially attractive, academic-looking manner all too persuasive to naïve and ill-informed young people. Consequently, when a student uses one of the Internet search engines to research the Holocaust, he may find the Holocaust Museum site, but he is perhaps as likely to come across the Holocaust-denying site of the Institute for Historical Review.

The Internet also helps Black bigots, including the Nation of Islam, to cloak virulent anti-Semitism in revisionist language, claiming, for example, that Jews were primarily responsible for the trade in Black slaves. Even women, who like Blacks have historically been targets of bigotry, have joined male white supremacists in denouncing various minorities online.

Young bigots also use the Internet, and use it skillfully. The World Church of the Creator has established a number of attractive, well-designed Web sites, including some that specifically target teens and children. One California college student has created his own vicious site – and an electronic mailing list popular among racists and anti-Semites. Marrying the Internet to

hateful rock lyrics, racist skinheads also attempt to use the new technology to win the hearts and minds of the young.

Anti-Semites and racists have not been alone in spreading hate on the Internet. Anti-gay Web sites, anti-abortion pages, and the anti-government presence of the militia and common law court movements have joined them online, as have bomb-making pages, which promote various kinds of violence and extremism.

Combating online extremism presents enormous technological and legal difficulties. Even if it were electronically feasible to keep sites off the Internet, the international nature of this medium and the ease of anonymous communication make legal regulation virtually impossible. Furthermore, in this country, the First Amendment guarantees the right to freedom of speech to all Americans, even those whose speech is reprehensible. Consequently, governments, corporations, and people of good will have looked for alternative ways to address the problem.

Internet Service Providers (ISPs) based in the United States are not bound by the First Amendment, and they are not legally liable for the content of the sites they host. Consequently, the decision to host hate sites is theirs alone. Whatever their motivation, some, such as GTE.NET and EarthLink, have chosen

not to restrict hate sites so long as they do not violate the law, while others, including America Online, require subscribers to sign contractual terms of service which prohibit using their facilities to promote hate.

Just as an Internet Service Provider can remove a hate site from its servers, concerned individuals can remove such sites from their own computers. There are a number of software filter products on the market that can help concerned individuals keep their home computers free of hate. The Anti-Defamation League has developed its own filter, called HateFilter™, which can be downloaded from our web site ([www.adl.org](http://www.adl.org)). HateFilter™ blocks access to web sites that advocate hatred, bigotry or violence towards groups on the basis of their religion, race, ethnicity, sexual orientation or other immutable characteristics. It also includes a special feature, which can redirect users who try to access a blocked site to our educational site, which provides the user with a positive learning experience. The voluntary use of filtering software empowers parents in their own homes without violating the First Amendment, because such use involves no government action.

We have directed HateFilter™ toward parents because the use of filters by public institutions, such as schools and libraries, has become a hotly contested issue that remains unresolved. The legal landscape in this area is unclear, but at least one federal court has ruled that a local library board may

not require the use of filtering software on all library Internet computer terminals. A possible compromise for public libraries with multiple computers might be to allow unrestricted Internet use for adults, but to provide only supervised access for children. Similarly, in the context of public school libraries, it might be worth considering distinctions between the access offered in high schools and in elementary schools. We believe it is unlikely that courts will allow school libraries to require filters on all computers available for student use, but we welcome the fact that this Committee is wrestling with these very difficult and important issues.

Aside from the question of filters, we believe Internet users who come across threatening, hateful, and violent material targeting themselves or other individuals should alert law enforcement authorities, because some such manifestations of hate on the Internet are not constitutionally protected. Libelous speech and expression that threatens or harasses other people can be subject to criminal sanctions. In 1998, for example, a former student was sentenced to one year in prison for sending e-mail death threats to 60 Asian-American students at the University of California, Irvine. Earlier this year, in a case which attracted considerable public attention, a coalition of groups opposed to abortion was ordered to pay over \$100 million in damages for providing information for a web site called "Nuremberg Files" which posted photos of abortion providers, their home addresses, license plate numbers, and

the names of their spouses and children. In three instances, after a doctor on the list was murdered, a line was drawn through his name. The jury in this case found that the information contained on the Nuremberg Files web site posed a real threat to the safety of doctors and clinic workers.

Individuals and organizations concerned about the proliferation of hate on the Internet must do more than speak out. ADL hopes that the public will not only reject extremist propaganda on the Internet, but also choose to use the Internet to promote tolerance. In addition, parents must teach responsible use of the Internet to their children.

The Internet is probably the greatest forum for the exchange of ideas that the world has ever seen. It permits immediate, direct communication between disparate populations across the globe, and has the potential to promote cultural tolerance in a larger sense. It can help educate people, promote positive messages, and spread honest, accurate information. Indeed, the Internet has the potential to reinforce respect for all people's voices, to truly become what some have already called it: "the great equalizer."

When we focus on the Internet's "dark side," it is important not to understate or overstate the problem. The Internet has given a big boost to extremists, and we must remain vigilant to the threat they pose. However, the



Internet also provides us with enormous resources to address the problem.

When we pay homage to the wisdom of the framers of the Constitution who crafted the First Amendment, it has become almost a cliché to say “the best answer to bad speech is more speech.” In our new world of instantaneous global communication, that mantra – writ large – still rings true.